

REMARKS/ARGUMENTS

Status of Claims

Claims 1-20 were filed in the present application. These claims were subjected to a restriction requirement, but the restriction requirement has been withdrawn. Claims 1-20 have been rejected under various rejections. As outlined above, Claims 1, 15, and 17 have been amended; and Claim 20 has been canceled. Therefore, Claims 1-19 are pending in this application, and these claims are currently under consideration.

The amended claims are fully supported in the specification as originally filed. In particular, the newly added language in Claims 1, 15, and 17 is supported in Claim 20, as originally filed.

Restriction Requirement

Applicants note the withdrawal of the restriction requirement, and thank the Office for this action.

Information Disclosure Statement

Applicants apologize for the administrative error in failing to identify the inventors and filing dates of the US applications identified in the IDS filed January 29, 2002. Enclosed herewith is a corrected version of the IDS & Form 609.

Rejections

Claims 1, 2, 6-15, 17, and 20 stand rejected under 35 U.S.C. 102(b) as being anticipated by, and Claims 3-5, 16, 18, and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bucalo, US Pat. No. 4,232,673. Applicants respectfully traverse these rejections.

The present invention relates to an absorbent device for insertion into a vaginal cavity. The absorbent device includes an absorbent body having a shape and an indicator structure

absorbent device to absorb sufficient aqueous vaginal fluids to weaken the restraint and to permit the resilient member to revert to the relaxed configuration; detecting changed dimensions of the first absorbent device caused by the reversion of the resilient member to the relaxed configuration, while inserted; and removing the first absorbent device from the vaginal cavity.

Bucalo purports to disclose an absorbent device comprising collecting means for bodily fluids intended for subsequent analysis. An example of the collecting means is disclosed as an empty container surrounded by a dissolvable band. The collecting means is contained within a device having stiffener means 139. The stiffening means 139 prevents the tampon 136 from being unduly compressed by flexing and movement of the body cavity in which it is located. This protects the container 138 from undesirable effect resulting from the body's movement and flexing.

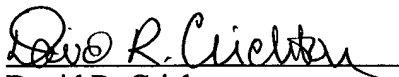
The Office Action indicates Bucalo discloses the invention substantially as claimed. Applicants respectfully submit that the invention as claimed is distinguishable from that disclosed in Bucalo.

Applicants respectfully submit that Bucalo discloses an absorbent device having a collecting container surrounded by a dissolvable band. Upon dissolution of the band, the container can expand to draw a bodily fluid sample into its void. However, the container is substantially isolated from the body cavity in which it is located. Thus, the dimensional change effected by the dissolution of the band does not appear to be discernable by the user.

In contrast, the present invention is designed to allow the user to detect the dimensional change effected by the reversion of the resilient member during use. Thus, Bucalo fails to disclose each and every element of the claimed invention. Further, the purpose of Bucalo is to collect laboratory samples of bodily fluids, and the configuration of the device is designed to isolate the container from the user's body. Therefore, the disclosure of Bucalo fails to direct the person of ordinary skill in the art to the present invention which is directed to a significantly different purpose – that of signalling to a user that the absorbent device is nearing capacity.

Appl. No. 09/991,407

Respectfully submitted,

A handwritten signature in cursive script, reading "David R. Crichton", written over a horizontal line.

David R. Crichton

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